

Remarks

The Office Action mailed June 16, 2004, and made final, has been carefully reviewed and the foregoing amendment and following remarks have been made in consequence thereof.

Claims 2, 3, 5-26, 28, 29, 31-36, 38, 39, 41-60, and 62-69 are now pending in this application. Claims 2, 3, 5-26, 28, 29, 31-36, 38, 39, and 41-69 are rejected. Claim 1, 4, 27, 30, 37, 40, and 61 has been canceled without prejudice, waiver, or disclaimer. Claims 32, 3, 9, 29, 35, 39, 41-43, 46, 47, 60, and 66 have been amended. No new matter has been added.

The rejection of Claims 2, 5-7, 9-26, 28-29, 31-36, 38, and 47-69 under 35 U.S.C. § 103(a) as being unpatentable over Torimitsu (U.S. Patent No. 5,460,006) in view of Gelber et al. (U.S. Patent No. 6,378,315) is respectfully traversed.

Torimitsu describes a monitoring system for food storage apparatuses such as refrigerators and freezers (column 2, lines 58-60). The monitoring system includes a signal receiver (10) connected to four sets of food storage apparatuses (10-1 to 10-4) which are installed in respective rooms of a hotel or plural places in a big store (column 2, lines 60-64). The food storage apparatuses each include a cooler or an evaporator (12) disposed within a storage cabinet (11) and a refrigerant circulation device (13) (column 2, line 66 – column 3, line 2). In monitoring the refrigerant circulation device, a cooling controller (17) monitors the evaporator and the refrigerant circulation device on a basis of the temperatures respectively determined by a setting device (14) and detected by a storage temperature sensor (15) and cooling temperature sensor (16) and applies an error signal to an alarm device (19) when an abnormality of the evaporator or the refrigerant circulation device is detected (column 3, lines 58-65). A data forming circuit (22) is connected to an A/D converter (21) and the cooling controller to temporarily memorize digital signals and control signals respectively applied from the A/D converter and the cooling controller (column 4, lines 9-13). The data forming circuit is designed to add input data to an identity data ID (column 4, lines 13-17). The identity data ID represents an identity number for identifying each mode name or type of the food storage apparatuses (column 4, lines

24-27). The alarm device is provided with indicators for the respective food storage apparatuses and a common buzzer for all the food storage apparatuses, where the indicators and buzzer are controlled by a signal receiving controller (32) to visually and acoustically inform an operator of abnormality in operation of the respective food storage apparatuses (column 4, lines 49-56). An administrative computer (100) is connected to the signal receiving controller (column 6, lines 14-17). The administrative computer (100) may be also connected to an administrative computer in an administrative center (200) by way of a telephone wire (L₄) so that the administrative computer (100) can be monitored and administrated at the administrative center (column 7, lines 5-10).

Gelber et al. describe a main refrigeration controller (30) that is used and configured or programmed to execute a control algorithm and that includes configuration and logging capabilities (column 3, lines 61-65). The refrigeration controller controls an operation of each pressure regulator (ESR) (28), as well as a suction pressure set point for an entire compressor rack (18) (column 3, line 65 – column 4, line 1). The refrigeration controller controls a bank of compressors (12) in the compressor rack through an input/output module (32) (column 4, lines 8-11). The input/output module has relay switches to turn the compressors on and off to provide a desired suction pressure (column 4, lines 11-13). The main refrigeration controller, the input/output module, and an ESR board (42) are located in a compressor room (6) and are preferably daisy chained via a communication bus (34) to facilitate an exchange of data between them (column 4, lines 50-54). Temperature inputs are wirelessly transmitted to an analog input receiver (94), which returns the information to the main refrigeration controller via a communication bus (96) (column 5, lines 34-38). Alternatively, the receiver may be a transceiver for both transmitting and receiving signals (column 5, lines 38-39). A product-simulating probe (50) provides temperature data to the main controller (column 5, lines 40-41). Preferably, the product simulating probe is an integrated temperature measuring and transmitting device including a box-like housing (70) encapsulating a thermal mass (74) and a temperature sensing element (80) and including a wireless transmitter (82) (column 5, lines 40-46). The wireless transmitter is a transceiver capable of sending and receiving RF parametric data (column 6, lines 27-28). The product-simulating probe

wirelessly transmits simulated product temperature data to the receiver, which collects the temperature data and retransmits it to the main controller via the communication bus (96) (column 6, lines 43-46). When an alarm occurs, the main controller preferably notifies a remotely located central monitoring station (100) via a communication bus (102), including LAN/WAN or remote dial-up using, e.g., TCP/IP (column 7, lines 34-38). Further, the main controller can notify a store manager or refrigeration service company via a telephone call or page using a modem connected to a telephone line (column 7, lines 38-41).

Claim 2 recites a method for assembling a control for use with a cooling device, the method comprising the steps of “providing the cooling device including a refrigerant that evaporates and cools a compartment of the cooling device; providing an attached control that is configured to control the cooling device; installing a first wireless interface in the attached control, wherein the first wireless interface comprises at least one of a satellite interface, an infra-red interface, and a radio frequency (RF) interface; and providing a control device including a second wireless interface, wherein the control device is in wireless communication with the attached control through the second wireless interface of the control device.”

Neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest a method for assembling a control for use with a cooling device as recited in Claim 2. Specifically, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest providing a control device including a second wireless interface, where the control device is in wireless communication with the attached control through the second wireless interface of the control device. Rather, Torimitsu describes an administrative computer that may be connected to an administrative computer in an administrative center by way of a telephone wire. Gelber et al. describe wirelessly transmitting, by a probe including a wireless transceiver, simulated product temperature data to a transceiver, which collects the temperature data and retransmits it to a main controller via a communication bus. The probe is an integrated temperature measuring and transmitting device including a box-like housing encapsulating a thermal mass and a temperature sensing element and including a wireless transceiver. Accordingly, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest providing a control device,

where the control device is in wireless communication with the attached control through a second wireless interface of the control device. For the reasons set forth above, Claim 2 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claim 6 recites a method for controlling a cooling device, the method comprising the steps of “providing a cooling device comprising at least one of a refrigerator, a refrigerator/freezer, and a freezer; and providing a control device in wireless communication with the cooling device and configured to wirelessly control the cooling device via an attached control located within the cooling device.”

Neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest a method for controlling a cooling device as recited in Claim 6. Specifically, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest providing a control device in wireless communication with the cooling device and configured to wirelessly control the cooling device via an attached control located within the cooling device. Rather, Torimitsu describes an administrative computer that may be connected to an administrative computer in an administrative center by way of a telephone wire. Gelber et al. describe wirelessly transmitting, by a probe including a wireless transceiver, simulated product temperature data to a transceiver, which collects the temperature data and retransmits it to a main controller via a communication bus. The probe is an integrated temperature measuring and transmitting device including a box-like housing encapsulating a thermal mass and a temperature sensing element and including a wireless transceiver. Accordingly, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest providing a control device in wireless communication with the cooling device and configured to wirelessly control the cooling device via a control located within the cooling device. For the reasons set forth above, Claim 6 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claims 5, 7 and 8 depend from independent Claim 6. When the recitations of Claims 5, 7 and 8 are considered in combination with the recitations of Claim 6, Applicant submits that dependent Claims 5, 7 and 8 likewise are patentable over Torimitsu in view of Gelber et al.

Claim 9 recites a method for controlling a cooling device, the method comprising the steps of “providing a cooling device including an attached control and a refrigerant that cools a main compartment of the cooling device; and providing a control device in wireless communication with the cooling device and configured to wirelessly control the attached control of the cooling device, wherein the control device includes a memory configured to store data regarding the cooling device.”

Neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest a method for controlling a cooling device as recited in Claim 9. Specifically, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest providing a control device in wireless communication with the cooling device and configured to wirelessly control the attached control of the cooling device. Rather, Torimitsu describes an administrative computer that may be connected to an administrative computer in an administrative center by way of a telephone wire. Gelber et al. describe wirelessly transmitting, by a probe including a wireless transceiver, simulated product temperature data to a transceiver, which collects the temperature data and retransmits it to a main controller via a communication bus. The probe is an integrated temperature measuring and transmitting device including a box-like housing encapsulating a thermal mass and a temperature sensing element and including a wireless transceiver. Accordingly, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest providing a control device in wireless communication with the cooling device and configured to wirelessly control the attached control of the cooling device. For the reasons set forth above, Claim 9 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claims 10-22 depend from independent Claim 9. When the recitations of Claims 10-22 are considered in combination with the recitations of Claim 9, Applicant submits that dependent Claims 10-22 likewise are patentable over Torimitsu in view of Gelber et al.

Claim 23 recites a method for controlling a plurality of cooling devices, the method comprising the steps of “installing a wireless interface in each cooling device;

controlling the cooling devices with a wireless control device; and maintaining a location database that identifies a location for each cooling device.”

Neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest a method for controlling a plurality of cooling devices as recited in Claim 23. Specifically, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest maintaining a location database that identifies a location for each cooling device. Rather, Torimitsu describes adding input data to an identity data ID that represents an identity number for identifying each mode name or type of food storage apparatuses. Gelber et al. describe wirelessly transmitting, by a probe including a wireless transceiver, simulated product temperature data to a transceiver, which collects the temperature data and retransmits it to a main controller via a communication bus. Accordingly, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest maintaining a location database identifying a location for each cooling device. For the reasons set forth above, Claim 23 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claims 24-26 and 28 depend from independent Claim 23. When the recitations of Claims 24-26 and 28 are considered in combination with the recitations of Claim 23, Applicant submits that dependent Claims 24-26 and 28 likewise are patentable over Torimitsu in view of Gelber et al.

Claim 29 recites a method for assembling a cooling device, the method comprising “providing a wireless interface configured to transmit cooling device data including current temperature and status of at least one of a compressor and an evaporator; installing the wireless interface in an attached control in a cooling device such that the cooling device is controllable via wireless communication; and wirelessly transmitting the cooling device data from a control device via the wireless interface to the attached control of the cooling device.”

Neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest a method for assembling a cooling device as recited in Claim 29. Specifically, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest wirelessly transmitting the cooling device data from a control

device via the wireless interface to the attached control of the cooling device. Rather, Torimitsu describes an administrative computer that may be connected to an administrative computer in an administrative center by way of a telephone wire. Gelber et al. describe wirelessly transmitting, by a probe including a wireless transceiver, simulated product temperature data to a transceiver, which collects the temperature data and retransmits it to a main controller via a communication bus. The probe is an integrated temperature measuring and transmitting device including a box-like housing encapsulating a thermal mass and a temperature sensing element and including a wireless transceiver. Accordingly, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest wirelessly transmitting the cooling device data from a control device via the wireless interface to the control of the cooling device. For the reasons set forth above, Claim 29 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claims 31-34 depend from independent Claim 29. When the recitations of Claims 31-34 are considered in combination with the recitations of Claim 29, Applicant submits that dependent Claims 31-34 likewise are patentable over Torimitsu in view of Gelber et al.

Claim 35 recites a method for controlling a cooling device including a wireless interface, the method comprising the steps of “installing an attached control within the cooling device; providing a wireless control device; inputting into the wireless control device at least one defrost parameter regarding at least one of a defrost interval, a defrost duration, and a defrost method for the cooling device; and determining a frequency of wireless transmission of data from the attached control to the wireless control device.”

Neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest a method for controlling a cooling device including a wireless interface as recited in Claim 29. Specifically, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest determining a frequency of wireless transmission of data from the attached control to the wireless control device. Rather, Torimitsu describes monitoring an evaporator and the refrigerant circulation device on a basis of the temperatures respectively determined by a setting device and

detected by a storage temperature sensor and cooling temperature sensor, and applying an error signal to an alarm device when an abnormality of the evaporator or the refrigerant circulation device is detected. Gelber et al. describe wirelessly transmitting, by a probe including a wireless transceiver, simulated product temperature data to a transceiver, which collects the temperature data and retransmits it to a main controller. Accordingly, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest determining a frequency of wireless transmission of data from the control to the wireless control device. For the reasons set forth above, Claim 35 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claims 36 and 38 depend from independent Claim 35. When the recitations of Claims 36 and 38 are considered in combination with the recitations of Claim 35, Applicant submits that dependent Claims 36 and 38 likewise are patentable over Torimitsu in view of Gelber et al.

Claim 47 recites a system for cooling product, the system comprising “a cooling device; an attached control coupled to said cooling device; and a control device in wireless communication with said cooling device, wherein said control device comprises a memory configured to store data regarding the cooling device, said control device configured to determine whether an alarm condition of said cooling device is cleared by said control device, and configured to determine that the alarm condition is cleared by said attached control if said control device determines that the alarm condition is not cleared by said control device.”

Neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest a system for cooling product as recited in Claim 47. Specifically, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest a control device configured to determine whether an alarm condition of the cooling device is cleared by the control device, and configured to determine that the alarm condition is cleared by the attached control if the control device determines that the alarm condition is not cleared by the control device. Rather, Torimitsu describes a cooling controller that applies an error signal to an alarm device when an abnormality of an evaporator or a refrigerant circulation device is detected. Gelber et al. a main

controller that preferably notifies a remotely located central monitoring station when an alarm occurs. The main controller notifies a store manager or refrigeration service company via a telephone call or page using a modem when the alarm occurs. Accordingly, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest a control device configured to determine whether an alarm condition of the cooling device is cleared by the control device, and configured to determine that the alarm condition is cleared by the control if the control device determines that the alarm condition is not cleared by the control device. For the reasons set forth above, Claim 47 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claims 48-59 depend from independent Claim 47. When the recitations of Claims 48-59 are considered in combination with the recitations of Claim 47, Applicant submits that dependent Claims 48-59 likewise are patentable over Torimitsu in view of Gelber et al.

Claim 60 recites a cooling system comprising “a plurality of cooling devices each comprising a wireless interface and a refrigerant that cools the cooling devices; a plurality of attached controls located within the cooling devices; and a control device in wireless communication with the attached controls of the cooling devices, wherein said control device comprises an asset owner database that includes data identifying an owner of each said cooling device.”

Neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest a cooling system as recited in Claim 60. Specifically, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest providing a control device in wireless communication with the attached controls of the cooling devices. Rather, Torimitsu describes an administrative computer that may be connected to an administrative computer in an administrative center by way of a telephone wire. Gelber et al. describe wirelessly transmitting, by a probe including a wireless transceiver, simulated product temperature data to a transceiver, which collects the temperature data and retransmits it to a main controller via a communication bus. The probe is an integrated temperature measuring and transmitting device including a box-like housing encapsulating a thermal mass and a

temperature sensing element and including a wireless transceiver. Accordingly, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest a control device in wireless communication with the controls of the cooling devices. For the reasons set forth above, Claim 60 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claim 61 has been canceled. Claims 62-65 depend from independent Claim 60. When the recitations of Claims 62-65 are considered in combination with the recitations of Claim 60, Applicant submits that dependent Claims 62-65 likewise are patentable over Torimitsu in view of Gelber et al.

Claim 66 recites a computer configured to “wirelessly communicate with a cooling device including a refrigerant that evaporates and cools a compartment of said cooling device; receive from a user at least one parameter for the cooling device, and wirelessly transmit the received parameter to an attached control located within the cooling device.”

Neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest a computer as recited in Claim 66. Specifically, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest a computer configured to wirelessly transmit the received parameter to an attached control located within the cooling device. Rather, Torimitsu describes an administrative computer that may be connected to an administrative computer in an administrative center by way of a telephone wire. Gelber et al. describe wirelessly transmitting, by a probe including a wireless transceiver, simulated product temperature data to a transceiver, which collects the temperature data and retransmits it to a main controller via a communication bus. The probe is an integrated temperature measuring and transmitting device including a box-like housing encapsulating a thermal mass and a temperature sensing element and including a wireless transceiver. Accordingly, neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest a computer configured to wirelessly transmit the received parameter to a control located within the cooling device. For the reasons set forth above, Claim 66 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claims 67-69 depend from independent Claim 66. When the recitations of Claims 67-69 are considered in combination with the recitations of Claim 66, Applicant submits that dependent Claims 67-69 likewise are patentable over Torimitsu in view of Gelber et al.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 2, 5-7, 9-26, 28-29, 31-36, 38, and 47-69 be withdrawn.

The rejection of Claims 2-3, 6, 8, 39, and 41-46 under 35 U.S.C. § 103(a) as being unpatentable over Torimitsu and Efron et al. (U.S. Patent No. 6,357,243) is respectfully traversed.

Torimitsu is described above. Efron et al. describe an evaporative cooler (column 1, line 21). A bottom of the evaporative cooler contains water to a depth that is controlled by a float to be about four inches (10 centimeters) (column 1, lines 29-31). The water is circulated by a water pump through distribution tubes to tops of pads within the evaporative cooler to keep the pads wet (column 1, lines 31-34). A blower fan centrally located within the evaporative cooler pulls dry outside air through the wet pads and into a duct distribution system located within a building (column 1, lines 33-36). A computer interface (1101) can be used to control the evaporative cooler (column 10, line 56). Like the other remote devices, computer interface would be plugged into any building electrical outlet (306) (column 10, lines 57-58). The computer interface would also be plugged into the port of a computer (column 10, lines 58-59).

Claim 2 recites a method for assembling a control for use with a cooling device, the method comprising the steps of “providing the cooling device including a refrigerant that evaporates and cools a compartment of the cooling device; providing an attached control that is configured to control the cooling device; installing a first wireless interface in the attached control, wherein the first wireless interface comprises at least one of a satellite interface, an infra-red interface, and a radio frequency (RF) interface; and providing a control device including a second wireless

interface, wherein the control device is in wireless communication with the attached control through the second wireless interface of the control device.”

Neither Torimitsu nor Efron et al., considered alone or in combination, describe or suggest a method for assembling a control for use with a cooling device as recited in Claim 2. Specifically, neither Torimitsu nor Efron et al., considered alone or in combination, describe or suggest providing a control device including a second wireless interface, where the control device is in wireless communication with the attached control through the second wireless interface of the control device. Rather, Torimitsu describes an administrative computer that may be connected to an administrative computer in an administrative center by way of a telephone wire. Efron et al. describe controlling, by a computer interface coupled to a computer, an evaporative cooler. Water is circulated by a water pump through distribution tubes to tops of pads within the evaporative cooler to keep the pads wet. A blower fan centrally located within the evaporative cooler pulls dry outside air through the wet pads and into a duct distribution system located within a building. Accordingly, neither Torimitsu nor Efron et al., considered alone or in combination, describe or suggest providing a control device, where the control device is in wireless communication with the attached control through a second wireless interface of the control device. For the reasons set forth above, Claim 2 is submitted to be patentable over Torimitsu in view of Efron et al.

Claim 3 depends from independent Claim 2. When the recitations of Claim 3 are considered in combination with the recitations of Claim 2, Applicant submits that dependent Claim 3 likewise is patentable over Torimitsu in view of Gelber et al.

Claim 6 recites a method for controlling a cooling device, the method comprising the steps of “providing a cooling device comprising at least one of a refrigerator, a refrigerator/freezer, and a freezer; and providing a control device in wireless communication with the cooling device and configured to wirelessly control the cooling device via an attached control located within the cooling device.”

Neither Torimitsu nor Efron et al., considered alone or in combination, describe or suggest a method for controlling a cooling device as recited in Claim 6.

Specifically, neither Torimitsu nor Efron et al., considered alone or in combination, describe or suggest providing a control device in wireless communication with the cooling device and configured to wirelessly control the cooling device via an attached control located within the cooling device. Rather, Torimitsu describes an administrative computer that may be connected to an administrative computer in an administrative center by way of a telephone wire. Efron et al. describe controlling, by a computer interface coupled to a computer, an evaporative cooler. Water is circulated by a water pump through distribution tubes to tops of pads within the evaporative cooler to keep the pads wet. A blower fan centrally located within the evaporative cooler pulls dry outside air through the wet pads and into a duct distribution system located within a building. Accordingly, neither Torimitsu nor Efron et al., considered alone or in combination, describe or suggest providing a control device in wireless communication with the cooling device and configured to wirelessly control the cooling device via a control located within the cooling device. For the reasons set forth above, Claim 6 is submitted to be patentable over Torimitsu in view of Efron et al.

Claim 8 depends from independent Claim 6. When the recitations of Claim 8 are considered in combination with the recitations of Claim 6, Applicant submits that dependent Claim 8 likewise is patentable over Torimitsu in view of Efron et al.

Claim 39 recites a system for controlling a cooling device, the system comprising “an attached control coupled to the cooling device, wherein said cooling device includes a refrigerant that cools a compartment of the cooling device; a first wireless interface operationally coupled to said attached control, said wireless interface comprising at least one of a satellite interface and an infra-red interface; and a control device including a second wireless interface and in wireless communication with said attached control through said second wireless interface of said control device.”

Neither Torimitsu nor Efron et al., considered alone or in combination, describe or suggest a system for controlling a cooling device as recited in Claim 39. Specifically, neither Torimitsu nor Efron et al., considered alone or in combination, describe or suggest a control device including a second wireless interface and in

wireless communication with the attached control through the second wireless interface of the control device. Rather, Torimitsu describes an administrative computer that may be connected to an administrative computer in an administrative center by way of a telephone wire. Efron et al. describe controlling, by a computer interface coupled to a computer, an evaporative cooler. Water is circulated by a water pump through distribution tubes to tops of pads within the evaporative cooler to keep the pads wet. A blower fan centrally located within the evaporative cooler pulls dry outside air through the wet pads and into a duct distribution system located within a building. Accordingly, neither Torimitsu nor Efron et al., considered alone or in combination, describe or suggest a control device in wireless communication with the attached control through a second wireless interface of the control device. For the reasons set forth above, Claim 39 is submitted to be patentable over Torimitsu in view of Efron et al.

Claim 41 depends from independent Claim 39. When the recitations of Claim 41 are considered in combination with the recitations of Claim 39, Applicant submits that dependent Claim 41 likewise is patentable over Torimitsu in view of Gelber et al.

Claim 42 recites a system for cooling product, the system comprising “a cooling device comprising an attached control including a first wireless interface, wherein said cooling device includes a refrigerant that evaporates and cools a compartment of the cooling device; and a control device in wireless communication with said cooling device and including a second wireless interface, said control device in wireless communication with said attached control of the cooling device through the second wireless interface.”

Neither Torimitsu nor Efron et al., considered alone or in combination, describe or suggest a system for cooling product as recited in Claim 42. Specifically, neither Torimitsu nor Efron et al., considered alone or in combination, describe or suggest a control device in wireless communication with the cooling device and including a second wireless interface, the control device in wireless communication with the attached control of the cooling device through the second wireless interface. Rather, Torimitsu describes an administrative computer that may be connected to an administrative computer in an administrative center by way of a telephone wire.

Efron et al. describe controlling, by a computer interface coupled to a computer, an evaporative cooler. Water is circulated by a water pump through distribution tubes to tops of pads within the evaporative cooler to keep the pads wet. A blower fan centrally located within the evaporative cooler pulls dry outside air through the wet pads and into a duct distribution system located within a building. Accordingly, neither Torimitsu nor Efron et al., considered alone or in combination, describe or suggest a control device in wireless communication with the cooling device and including a second wireless interface, the control device in wireless communication with the control of the cooling device through the second wireless interface. For the reasons set forth above, Claim 42 is submitted to be patentable over Torimitsu in view of Efron et al.

Claims 43-46 depend from independent Claim 42. When the recitations of Claims 43-46 are considered in combination with the recitations of Claim 42, Applicant submits that dependent Claims 43-46 likewise are patentable over Torimitsu in view of Efron et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 2-3, 6, 8, 39, and 41-46 be withdrawn.

Moreover, Applicant respectfully submits that the Section 103 rejections of Claims 2, 3, 5-26, 28, 29, 31-36, 38, 39, and 41-69 are not proper rejections. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Torimitsu, Gelber et al., or Efron et al., considered alone or in combination, describe or suggest the claimed combinations. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Torimitsu with Gelber et al. or Efron et al. because there is no motivation to combine the references suggested in the cited art itself.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01.

Rather, there must be some suggestion, outside of Applicant's disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejections are based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Torimitsu teaches an administrative computer that may be connected to an administrative computer in an administrative center by way of a telephone wire. Gelber et al. teach wirelessly transmitting, by a probe including a wireless transceiver, simulated product temperature data to a transceiver, which collects the temperature data and retransmits it to a main controller via a communication bus. The probe is an integrated temperature measuring and transmitting device including a box-like housing encapsulating a thermal mass and a temperature sensing element and including a wireless transceiver. Efron et al. teach controlling, by a computer interface coupled to a computer, an evaporative cooler. Water is circulated by a water pump through distribution tubes to tops of pads within the evaporative cooler to keep the pads wet. A blower fan centrally located within the evaporative cooler pulls dry outside air through the wet pads and into a duct distribution system located within a building. Since there is no teaching nor suggestion in the cited art for the combinations, the Section 103 rejections appear to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such combinations are impermissible, and for this reason alone, Applicant requests that the

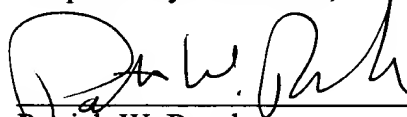
Section 103 rejections of Claims 2, 3, 5-26, 28, 29, 31-36, 38, 39, and 41-69 be withdrawn.

Applicant respectfully traverses the statement on page 3 of the Office Action that "references do not have to suggest making the combination nor provide a motivation for making the combination". Applicant respectfully submits that the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination. Hodosh v. Block Drug Company, Inc. 786 F.2d 1136, 1143 n.5, 229 U.S.P.Q. 182, 187, n.5 (Fed. Cir. 1986). There must be some suggestion, outside of Applicant's disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991).

For at least the reasons set forth above, Applicants respectfully request that the rejections of Claims 2, 3, 5-26, 28, 29, 31-36, 38, 39, and 41-69 under 35 U.S.C. 103(a) be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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